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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/736,038	12/15/2003	Eric David Harper	246.	4020
31665	7590	05/29/2008		
PATENT DEPARTMENT			EXAMINER	
MACROVISION CORPORATION			DEGA, MURALI K	
2830 DE LA CRUZ BLVD.				
SANTA CLARA, CA 95050			ART UNIT	PAPER NUMBER
			4176	
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			05/29/2008	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/736,038	HARPER ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	MURALI K. DEGA	4176	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-25 is/are pending in the application.
  - 4a) Of the above claim(s) None is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_ is/are allowed.
- 6) Claim(s) 1-25 is/are rejected.
- 7) Claim(s) \_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 19 April 2004 is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. ____ .                                     |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>20031215</u> .  | 6) <input type="checkbox"/> Other: ____ .                         |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-25 are rejected under 35 U.S.C. 102(b) as being anticipated by Misra et al. (US 6,189,146), hereinafter referred to as Misra.

3. With regards to **claim 1**:

4. Misra discloses a system for controlling the use of a software application on a plurality of computers, the system comprising: a plurality of computers, each capable of running a given software application, a server having a server store, communication means respectively permitting communication between each said computer and said server, and a transaction arrangement operable respectively between each said computer and said server by way of said communication means for enabling a predetermined use of said given software application by respective ones of said computers, in which said server controls said predetermined use by means of said transaction arrangement and according to conditions stored in said server store (Abstract, figs. 3, 4, 5, 6, 7 and 8, col. 2, ll. 32-47, where a licensing server, multiple clients and use of standard communication methods are provided).

5. With respect to **claim 2**:

6. Misra discloses transaction arrangement determining access of each said computer to said given software application (Fig. 1, col. 6, ll. 21-30 and col. 8, ll.60-67, a license server distributing licenses and the client using the license to gain access to other applications is provided).

7. With respect to **claim 3**:

8. Misra discloses transaction arrangement determining parameters of operation for said given software application (Abstract, col. 2, ll.62-76, col. 3, ll.8-15 and col. 4, ll.49-58, in which an automatic mechanism for obtaining license, license server determining the appropriate type of license for the client and the license server checking the client status is described).

9. With respect to **claim 4**:

10. Misra discloses server controlling the number of said computers authorized to run said given software application (Fig. 3, col. 7, table 1 and col. 10, ll. 51-59, where in the server keeps track of clients receiving licenses).

11. With respect **claim 5**:

12. Misra discloses software application comprises at least one computer program operable under license, and in which said transaction arrangement comprises license management means for verifying the availability for a respective said computer of a said license for said at least one computer program (Fig. 3, col. 8, ll. 35-52 and col.12, ll. 8-27, the license management system is described).

13. With respect to **claim 6**:

14. Misra discloses means for controlling license rights available under said license, and means for configuring said respective computer to operate according to said rights (Abstract, col. 3, ll. 8-15, col. 10, ll. 30-37 and col. 10, ll. 45-50 , a rights management and a system to configure clients operating system is provided).

15. With respect to **claims 7 and 8**:

16. Misra discloses server store, said server store for storing therein different possible license rights available under said license, selection means for selecting at least one said license right from said server store, and activation means for activating said at least one license right for a respective said computer and further comprise a store at said respective computer for storing details of said at least one license right, and means for updating said stored details on use of said computer program (Abstract, fig. 3, col. 3, ll. 16-26 and col. 6, ll. 50-64, where license information storing and managing is described).

17. With respect to **claim 9**:

18. Misra discloses transfer a license from one said computer to another said computer (Abstract, fig. 3, col. 11, ll. 36-45 and col. 2, ll32-47, a regular communication between clients and license server being facilitated).

19. With respect to **claim 10**:

20. Misra discloses arrangement to inhibit operation of said computer program on said one computer following said transfer (Abstract, fig. 3, col. 11, ll. 36-45, col. 2, ll32-47 and col. 3, ll. 16-26, a method to prevent unauthorized usage is provided).

21. With respect to **claim 11**:

22. Misra discloses a license management system for controlling the use of at least one given software application respectively on a plurality of computers:

- an application store associated with each said computer for storing a copy of said given software application (Abstract, fig. 3, col. 3, ll. 16-26 and col. 6, ll. 50-64, where license information storing and managing is described).
- a remote data store for storing information concerning a license to operate said at least one given software application (Abstract, fig. 3, col. 3, ll. 16-26 and col. 6, ll. 50-64, where license information storing and managing is described).
- a remote data store for storing identification information relating to said at least one given software application (Abstract, fig. 3, col. 3, ll. 16-26 and col. 6, ll. 50-64, where license information storing and managing is described).
- a remote data store for storing identification information relating to each said computer (Abstract, fig. 3, col. 3, ll. 16-26 and col. 6, ll. 50-64, where license information storing and managing is described).

- a transaction arrangement operatively linking said application store, said license store, said software identification store and said computer identification store, said transaction arrangement being responsive to a request from a respective said computer for use of said at least one given software application to verify whether said at least one given software application is available for use by said respective computer and to transmit to said respective computer a said license to use said at least one given software application in the event that said at least one given software application is so available (Abstract, fig. 3, col. 3, ll. 16-26 and col. 6, ll. 50-64, where license information storing and managing is described).

23. With respect to **claim 12**:
24. Misra discloses a server providing said license store, said software identification store and said computer identification store (Abstract and fig. 3, where a server that stores license information is described).
25. With respect to **claim 13**:
26. Misra discloses server controlling the number of said licenses available (Fig. 3, col. 7, table 1 and col. 10, ll. 51-59, where in the server keeps track of clients receiving licenses).
27. With respect to **claim 14**:
28. Misra discloses server adapted to transfer a license from one said computer to another said computer (Abstract, figs. 3 and 4)

29. With respect to **claim 15**:

30. Misra discloses server arranged to inhibit operation of said computer program on said one computer following said transfer (Abstract, fig. 3, col. 11, ll. 36-45, col. 2, ll.32-47 and col. 3, ll. 16-26, a method to prevent unauthorized usage is provided).

31. With respect to **claim 16**:

32. Misra discloses license store provided at each said computer for storing locally information concerning said license (Abstract and col. 3, ll. 22-25).

33. With respect to **claim 17**:

34. Misra discloses parameters of operation for said given software application (Abstract, col. 2, ll.62-76, col. 3, ll.8-15 and col. 4, ll.49-58, in which an automatic mechanism for obtaining license, license server determining the appropriate type of license for the client and the license server checking the client status is described).

35. With respect to **claim 18**:

36. Misra discloses means for verifying the rights available under a said license (Fig. 3 and 5, col. 8, ll. 35-52, col.12, ll. 8-27, col. 13, ll. 65-67 and col. 14, ll. 1-21, the license management system is described).

37. With respect to **claim 19**:

38. Misra discloses license store having a data store for storing therein different possible license rights available under said license, and in which said transaction arrangement comprises selection means for selecting at least one said license right from said store, and activation means for activating said at least one license right for a

respective said computer (Abstract, fig. 3 and 4, col. 8, ll. 35-67 and col.12, ll. 8-27, the license management system is described along with selection and activation of the said licenses).

39. With respect to **claim 20**:

40. Misra discloses a license rights store associated with said respective computer for storing details of said at least one license right, and means for updating said license rights store according to the current state of said at least one license right on use of said computer program (Abstract, fig. 3 and 4, col. 8, ll. 35-67 and col.12, ll. 8-27, the license management system is described along with selection and activation of the said licenses).

41. With respect to **claim 21**:

42. Misra discloses a computer programmed to perform a transaction for enabling the operation of a given software application, the transaction arrangement comprising

- Creating a license file for a license to operate said given software application (Abstract, tables 1, 2, 3, 4 and 5, col. 2, ll. 37-47 and col. 7, ll. 13-20 where in the client functions are described and as well as encryption is provided).
- Assigning to said license file a serial number representing said given software application (Abstract, tables 1, 2, 3, 4 and 5, col. 2, ll. 37-47 and col. 7, ll. 13-20 where in the client functions are described and as well as encryption is provided).

- Assigning to said license file an identification code representing said computer (Abstract, tables 1, 2, 3, 4 and 5, col. 2, ll. 37-47 and col. 7, ll. 13-20 where in the client functions are described and as well as encryption is provided).
- Transmitting to a server a request to execute said given software application (Abstract, tables 1, 2, 3, 4 and 5, col. 2, ll. 37-47 and col. 7, ll. 13-20 where in the client functions are described and as well as encryption is provided).
- Transmitting with said request said serial number and said identification code; in response to a server reply updating the license file with information concerning the availability of said license; and reading said license file for establishing whether said given software application can be executed (Abstract, tables 1, 2, 3, 4 and 5, col. 2, ll. 37-47 and col. 7, ll. 13-20 where in the client functions are described and as well as encryption is provided).

43. With respect to **claim 22**:

44. Misra discloses updating said license file with details of license rights transmitted from said server; and configuring said computer according to said license rights to execute a predetermined software feature incorporated in said given software application (Abstract and col. 11, ll. 25-45, a license granting process is described).

45. With respect to **claim 23**:

46. Misra discloses a method for controlling the execution of a given software application on a plurality of computers in a computer system including a server, comprising:

- Creating a license file on a respective said computer for a license to operate said given software application (Abstract, tables 1, 2, 3, 4 and 5, col. 2, ll. 37-47 and col. 7, ll. 13-20 where in the client functions are described and as well as encryption is provided).
- License assigning to the license file an identification code representing said respective computer (Abstract, tables 1, 2, 3, 4 and 5, col. 2, ll. 37-47 and col. 7, ll. 13-20 where in the client functions are described and as well as encryption is provided).
- Formulating a request to execute said given software application at said respective computer, said request including a serial number associated with said given software application and said identification number (Abstract, tables 1, 2, 3, 4 and 5, col. 2, ll. 37-47 and col. 7, ll. 13-20 where in the client functions are described and as well as encryption is provided).
- Transmitting said request with said serial number and said identification code to a server; in response to a reply from said server updating the license file with information concerning the availability of said license; and reading said license file for establishing the status of said license at said

respective computer (Abstract, tables 1, 2, 3, 4 and 5, col. 2, ll. 37-47 and col. 7, ll. 13-20 where in the client functions are described and as well as encryption is provided).

47. With respect to **claim 24**:

48. Misra discloses server storing information concerning rights available under said license; in response to said request from said respective computer selecting respective license rights to be applied to said respective computer and transmitting details of said selected rights to said respective computer; in response to said server reply updating said license file with details of said selected license rights transmitted from said server; and configuring said computer according to said selected license rights to execute a predetermined software feature incorporated in said given software application (Abstract, tables 1, 2, 3, 4 and 5, col. 2, ll. 37-47 and col. 7, ll. 13-20 where in the client functions are described and as well as encryption is provided).

49. With respect to **claim 25**:

Misra discloses updating license file on an ongoing basis during use of said predetermined feature by said respective computer to record a current state of said license; and when said license is no longer required transmitting details from said updated license file of said current state to said server (Abstract, tables 1, 2, 3, 4 and 5, col. 2, ll. 37-47 and col. 7, ll. 13-20 where in the client functions are described and as well as encryption is provided).

***Conclusion***

50. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Christiano et al (US 5,671,412) – A client computer system requesting a license from a server.
- Balaji Rajamani (US 2004/0088176) -- Automated licensing of an application.
- Lingan Satkunanathan (US 2005/0114265) – Real-time license enforcement system thru license monitoring and comparing with actual use by the users.

51. Any inquiry concerning this communication or earlier communications from the examiner should be directed to MURALI K. DEGA whose telephone number is (571) 270-5394. The examiner can normally be reached Monday to Thursday 7.30 to 5.00.

52. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jerry O'Connor can be reached on (571)272-6787. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

53. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/M. K. D./  
Examiner, Art Unit 4176

/Gerald J. O'Connor/  
Supervisory Patent Examiner  
Group Art Unit 4176